

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION11
12 IN RE OPTICAL DISK DRIVE ANTITRUST
13 LITIGATIONCASE NO. 3:10-md-2143 RS
**ORDER RE OBJECTION TO
NONDISPOSITIVE PRETRIAL ORDER
OF MAGISTRATE JUDGE**17
18 Defendant Toshiba Samsung Storage Technology Korea Corporation (“TSSTK”) seeks relief
19 from an order of the assigned magistrate judge, made in open court but not yet reduced to writing,
20 compelling the production by March 15, 2013 of certain documents located overseas. TSSTK
21 contends that the production should be stayed for a minimum of four months, to preclude the
22 Department of Justice obtaining documents for use in a criminal investigation that ordinarily would
23 be beyond the scope of its criminal subpoena power. While TSSTK acknowledges Ninth Circuit
24 authority suggesting there are no legal restrictions on the government’s ability to act in precisely
25 such a manner, it argues the civil production should be delayed in this case to prevent unfairness.26 TSSTK asserts it only learned of the Department of Justice’s intentions *after* the magistrate
27 judge’s ruling, and there is no indication the issue was otherwise presented to him for consideration
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1 in the first instance. Accordingly, TSSTK's present objection made to this Court is overruled,
2 without prejudice to it seeking relief from the magistrate judge.

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5 IT IS SO ORDERED.

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7 Dated: 3/18/13

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE